

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Ethan R. Signer et al.

Confirmation No.: 4053

Application No.: 09/879,329

Group No.: 1636

Filed: June 12, 2001

Examiner: Sullivan, Daniel M.

For: REMOVAL OF SELECTABLE MARKERS  
FROM TRANSFORMED CELLS

November 27, 2007

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL**

Dear Sir:

This Information Disclosure Statement is submitted:

- under 37 CFR 1.97(b), or  
(Within three months of filing national application, or date of entry of national application, or before mailing date of first office action on the merits, whichever occurs last)
- under 37 CFR 1.97(c) together with either a:
  - Statement under 37 CFR 1.97(e), or
  - a \$180 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97(b) time period, but before final action or notice of allowance, which ever occurs first)
- under 37 CFR 1.97(d) together with a:
  - Statement under 37 CFR 1.97(e)(1) or (2), and
  - a \$180.00 fee set forth in 37 CFR 1.17(p).  
(Filed after final action, a notice of allowance, on or before payment of issue fee)

Please charge to Deposit Account 12-0600 the sum of \$180.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 12-0600 pursuant to 37 CFR 1.25.

Applicant(s) submit herewith Form PTO 1449 – Information Disclosure Statement together with copies of non-U.S. patents, publications or other information (if any) of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of the application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a

search report or other action by a foreign patent office in a counter part foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on form PTO 1449 and is enclosed herewith.

At least one reference disclosed in form PTO 1449 submitted herewith is to prosecution (i.e., an Office Action, Response, etc.) from a patent application related to the current application and/or subject matter set forth therein. This prosecution reference is provided to meet the Duty of Disclosure as specifically set forth at MPEP 2001.06 and interpreted by the Federal Circuit in McKesson Information Solutions, Inc. v. Bridge Medical, Inc., 487 F.3d 897 (Fed. Cir. 2007). A copy of each prosecution reference, or an English language translation/summary for foreign prosecution, is submitted herewith.

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,

LATHROP & GAGE LC



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